



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 8

LYON & LYON LLP
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071

COPY MAILED

AUG 29 2002

OFFICE OF PETITIONS

In re Application of :
Jess R. Booth and Yoram Aisenberg :
Application No. 10/036,159 :
Filed: December 26, 2001 :
Attorney Docket No. 272/123 :
Title: SYNTHETIC THERMOPLASTIC : DECISION ACCORDING STATUS
COMPOSITION, ARTICLES MADE : UNDER 37 C.F.R. §1.47(a)
THEREFROM AND METHOD OF MANUFACTURE:

This is in response to the petition, filed June 27, 2002, under 37 CFR 1.47(a).

The petition is GRANTED.

The above-identified application was filed on December 26, 2001, without an executed oath or declaration. Jess R. Booth and Yoram Aisenberg were named as joint inventors. Accordingly, on February 5, 2002, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration, and the surcharge under §1.16(e) for late filing. This Notice set a two-month period for reply with extensions of time obtainable under §1.136(a).

In reply, rule 47 applicants filed the instant petition, paid both the petition fee (§130) and the surcharge under §1.16(e) (§130), and submitted a petition for a three-month extension of time to make the reply timely. Applicants assert that status under §1.47 is proper because inventor Aisenberg refuses to join in the application. In support thereof, applicants submitted *inter alia* a statement of facts of Joseph P. Hamilton with documentary evidence of the presentation of the application papers for signature to inventor Aisenberg.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

By statement of facts of Joseph P. Hamilton and supporting documentary evidence, applicants have shown that a bona fide attempt was made to present a copy of the application papers

(specification, including claims, drawings, and oath or declaration) to the non-signing inventor and to his representative, and that inventor Aisenberg has refused to join in the application. Accompanying the petition is a declaration executed by joint inventor Booth on behalf of herself and on behalf of non-signing inventor Aisenberg. Moreover, the petition submitted included the petition fee and a statement of the last known address of inventor Aisenberg.

This declaration filed June 27, 2002 has been reviewed and found in compliance with \$1.63. The petition likewise is in compliance with \$1.47.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1713 for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.



Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy